

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID JOSEPH MUNCHINSKI,)	
)	
Plaintiff,)	
)	Civil Action No. 03-788
vs.)	
)	Judge Alan N. Bloch
WEXFORD HEALTH SERVICES, INC.;)	Magistrate Judge Lisa Lenihan
EUGENE GINCHEREAU, M.D.,)	
Medical Director; PAUL NOEL,)	
M.D., Wexford Regional Medical)	
Director for Western)	
Pennsylvania; JOAN DELIE,)	
Correctional Health Care)	
Administrator; NEAL K.)	
MECHLING, Facility Manager)	
SCI-Pittsburgh; and PRISON)	
HEALTH SERVICES INC.,)	
)	
Defendants.)	

ORDER

The above captioned case was referred to United States Magistrate Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The magistrate judge's Report and Recommendation (Doc. No. 100), filed on March 2, 2006, recommended that the Motion for Summary Judgment filed by Defendants Prison Health Services, Inc. and Paul Noel, M.D. (Doc. No. 82) be granted, that the Joint Motion

for Summary Judgment filed by Defendants Wexford Health Services Inc. and Eugene Ginchereau, M.D. (Doc. No. 85) be granted and that the Plaintiff's "Counter" Motion for Summary Judgment (Doc. No. 89) be denied. All parties were served with the Report and Recommendation and were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. The Plaintiff filed Objections on March 13, 2006 (Doc. No. 102) and the Defendants Wexford Health Services, Inc. and Dr. Ginchereau filed a Response to the Objections on March 20, 2006 (Doc. No. 103). After review of the pleadings and documents in the case, together with the report and recommendation, and the objections and response thereto, the following order is entered:

AND NOW, this 10th day of April, 2006;

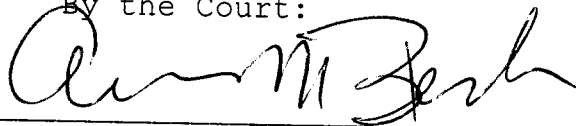
IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Defendants Prison Health Services, Inc. and Paul Noel, M.D. (Doc. No. 82) is **GRANTED**

IT IS FURTHER ORDERED that the Joint Motion for Summary Judgment filed by Defendants Wexford Health Services Inc. and Eugene Ginchereau, M.D. (Doc. No. 85) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's "Counter" Motion for Summary Judgment (Doc. No. 89) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 100) of Magistrate Judge Lenihan, dated March 2, 2006, is adopted as the opinion of the court.

By the Court:

A handwritten signature in black ink, appearing to read 'Alan N. Bloch', written over a horizontal line.

Alan N. Bloch
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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